

REMARKS:

Applicant is filing this Amendment and Response in reply to the Official Action dated June 13, 2007. Applicant believes that this Amendment and Response is fully responsive to the Official Action for at least the reasons set forth herein.

At the onset, Applicant respectfully requests that the Examiner contact the undersigned counsel prior to issuing a new Official Action to discuss the current art based rejections.

Applicant also notes that Claims 11, 22, and 28-30 have been amended herewith. Claims 11, 22 and 28 have been amended to correct minor typographical errors. Claims 28-30 have been amended to recite a computer readable medium containing computer executable instructions. No new matter has been added to the application by way of the aforementioned amendments.

Applicant submits that the amendments obviate the Examiner's objections to the claims and rejection pursuant to 35 U.S.C. § 101. Applicant notes that the Examiner objected to Claim 12; however, Applicant does not see any error in Claim 12.

Applicant also submits a replacement sheet for Figure 3; Figure 3 has been labeled "Prior Art".

Claims 1-3 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by the 3GPP ETSI TS 125331 "UMTS RRC Protocol Specification" (hereinafter "3GPP"). Applicant respectfully disagrees with the rejection and traverses with at least the following analysis.

Claims 1-3 recite, *inter alia*, a parameter calculation check unit for checking...whether the process parameters in the pertinent transport format combination have been calculated and a buffer control means for reading out and storing a pertinent process parameter with respect to the

process parameter buffer according to a buffer control signal from the parameter calculation check unit, while updating the utilization frequency data (Claims 1 and 3 relate to the receiving side and Claim 2 relates to the sending side).

Applicant submits that the 3GPP reference fails to teach these limitations. The Examiner asserts that the “TFCI range method” or a “counter check” teaches the claimed calculation check unit. Applicant respectfully disagrees. These features are not expressly disclosed by the reference. Additionally, these features are not inherently disclosed.

The reference does not describe the range method with any detail. Furthermore, the identified section is a chart containing various parameters. The chart does not state that there is a calculation check unit for **determining if a parameter is calculated**. At best, the reference suggests that the parameters are calculated. Therefore, the TFCI range method does not expressly teach the claim limitation. Additionally, the Examiner has not established that the TFCI range method inherently teaches this limitation; the claimed features are not necessarily present in the described TFCI range method.

Furthermore, the counter check is performed for local authentication. The purpose is to check that the amount of data sent in both directions is identical at the receiver and the transmitter, i.e., to detect an intruder. The counter check does not check to see whether the parameters in the pertinent transport format combination have been calculated.

Additionally, the 3GPP reference fails to teach updating or even using a utilization frequency data. While the reference implies that there is a memory section, the reference does not expressly state what is stored. The Examiner asserts that establishment, maintenance, and release of an RRC connection require the claimed reading out and storing. Applicant respectfully disagrees.

The claimed features are not an inherent property of CDMA technology. Applicant notes that as illustrated in Figure 3 and the background section of the instant application, the prior art CDMA device does not include these features. Additionally, Jap. Patent No. 2002-247127 does not include any reference to a utilization frequency data. Therefore, the Examiner has not, as a matter of law, established that the claimed limitations are inherent.

Accordingly, Applicant submits that Claims 1-3 are patentably distinct from the cited reference; the reference fails to teach each and every limitation of the claims.

Claims 4-30 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over 3GPP in view of Forrester, U.S. Pat. Pub. 2002/01773284 and Lee et al., U.S. Pat. Pub. 2002/0082020 (hereinafter "Lee"). Applicant notes that Lee is included in the statement of the rejections, but is not referenced in the body of the rejection. Applicant assumes that its inclusion in the statement of the rejection is in error.

Applicant respectfully disagrees with the rejection and traverses with at least the above-identified analysis.

Forrester fails to cure any of the above-identified deficiencies with respect to the independent claims.

Additionally, the Examiner's rejection of independent Claim 22 is unclear. Claim 22 is not the same as Claim 14. The Examiner failed to apply any art to the limitations of the claim. Accordingly, the claim is patentable.

Forrester and the 3GPP reference also fail to teach that for high frequency parameters, the parameters are read out and utilized without doing re-calculation, thus reducing power consumption, as recited in independent Claims 23, 24, and 28-30. In Forrester a new calculation

is always performed. Forrester does **not reduce** the number of calculations, but rather teaches an **educated calculation** accounting for the prior history (emphasis Added).

Accordingly, each of the independent claims are patentable over the cited combination; the cited combination fails to suggest or render obvious, each and every limitation of the claims.

Furthermore, Applicant submits that several of the dependent claims are separately patentable over the cited combination for at least the following additional reasons.

At best, Forrester teaches that prior history can be relevant to calibrating an oscillator. The reference states that rather than a blind search the logic block stores a cumulative record of the calibration. The direction of calibration can be predicted based upon the prior history. Additionally, the history can be used to gauge a scale of an incrementing based upon the history.

Applicant submits that there is no motivation to combine the references. Forrester is directed to calibrating an oscillator and the 3GPP reference is related to encoding and decoding data.

Pro arguendo, even if there was a motivation, the hypothetical combination fails to teach or suggest each and every limitation of the claims.

Applicant submits that the combination fails to teach a preference rank record flag and the use history as claimed in Claims 4 and 5, i.e. the number of times each TFCL is used and the number of times that a pertinent process parameter is used with a specific TFCL. The cited combination also fails to teach the pertinent preference rank record flag, as recited in Claims 11 and 12.

The hypothetical combination also fails to teach using the read-out process parameter as the process parameter, as recited in Claims 6 and 7. In Forrester a new calculation is always

performed. Forrester does **not reduce** the number of calculations, but rather teaches an **educated calculation** accounting for the prior history (emphasis Added).

Furthermore, the hypothetical combination fails to teach that the buffer control means **accounts for non-use of an area**, i.e., Claims 9 and 10.

Claim 10 recites that the buffer control means is constructed such that when a non-use parameter table is not present in the process parameter buffer at the time of storing the process parameter buffer, the buffer control means determines a parameter table to be a superscription subject according to a result of a weighting process on at least the use history of a plurality of times of past use of TFCI.

The references fail to teach this limitation for at least the following reasons. The prior art does not recognize that there is a limited buffer space; therefore, does not need to determine which table to overwrite. Additionally, the prior art fails to teach a parameter table. Moreover, the prior art fails to teach determining a parameter table to be a superscription subject according to a **result of a weighting process** on at least the use history of a plurality of times of **past use of TFCI** (emphasis added).

Furthermore, in spite of the Examiner's assertion to the contrary, Forrester fails to teach stopping the power and/or operation clock, or that the power and/clock is stopped when the process parameters of all TFCI in the utilized service have been calculated and stored, as recited in Claims 13-15. Paragraph 41 does **not even mention power or clock**.

Forrester and the 3GPP reference also fail to teach that when the number of TFCI in the utilized service is less than the number of parameter tables, it calculates the process parameters with respect to all the TFCIs by making use of an idle time in the process as recited in Claims 16-17 for at least the following reasons. The claimed features are not obvious to one of ordinary

skill in the art. The prior art does not recognize that there is a limited buffer space. Additionally, the prior art fails to teach a parameter table. Furthermore, none of the references recognize a relationship between the number of parameter tables and number of TFCIs in use.

Furthermore, neither reference teaches preferential storage and storage according to utilization frequency as recited in Claim 25. At best Forrester teaches the storage of prior history. However, the reference fails to provide any guidance in the storage.

The cited combination also fails to teach that the preference rank of the parameters are updated according to the transport rate control data or the receiving sensitivity data, as recited in Claim 26. The cited prior art does not teach a preference rank of the parameters, and, therefore, cannot teach how the rank is updated.

Claims 8, 18-21 and 27 are patentably distinct from the cited references, based at least upon the above-identified arguments.

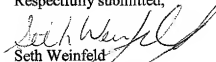
Based upon the foregoing, Applicant respectfully requests the Examiner to withdraw the rejection of Claims 1-3 pursuant to 35 U.S.C. § 102 (b). Additionally, Applicant respectfully requests the Examiner to withdraw the rejection of Claims 4-30 pursuant to 35 U.S.C. § 103 (a). Furthermore, Applicant respectfully requests the Examiner to withdraw the rejection of Claims 28-30 pursuant to 35 U.S.C. § 101.

Lastly, Applicant respectfully requests the Examiner to withdraw the objections to the claims.

In conclusion, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. As

noted above, Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343 to discuss the outstanding art based rejections.

Respectfully submitted,



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Enclosure: Replacement Sheet Figure 3